

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARY CATHERINE BAUR :  
Plaintiff,

v. :

CIVIL NO. 08-1222

ELIZABETH CRUM; TOM HINES;  
KAREN WERTHEIMER; DAVID CICOLA; :  
TODD SEELIG; and, THE DEPARTMENT  
OF LABOR AND INDUSTRY  
Defendants. :

**ORDER**

AND NOW, this 30<sup>th</sup> day of March, 2012, upon consideration of Defendants' Renewed Motion for Summary Judgment (Doc. No. 47) and Plaintiff's Opposition thereto (Doc. No. 53), it is hereby ORDERED that said Motion is GRANTED with respect to all claims except Plaintiff's Section 1983 gender discrimination claim (Am. Comp. ¶ 35), and Plaintiff's hostile work environment claim (Am. Compl. ¶ 36).<sup>1</sup>

It is further ORDERED that Plaintiff is hereby notified that the Court intends to *sua sponte* grant summary judgment in favor of Defendants regarding her Section 1983 gender

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<sup>1</sup> Defendants fail to discuss these claims in their brief. However, upon thorough review of the record *in toto*, this Court is of the opinion that no evidence exists which could support Plaintiff's allegations regarding these two issues. Accordingly, notice is hereby given that this Court intends to grant judgment on said claims, *sua sponte*. See *Sampath v. Concurrent Techs. Corp.*, No. 03-264, 2008 U.S. Dist. LEXIS 25715, at \*2 (W.D. Pa. Mar. 31, 2008) ("A district court may enter summary judgment *sua sponte* so long as the party against whom it is to be entered has notice and an opportunity to oppose.") (citation omitted); *Fontaine v. Cent. Square Condos., Inc.*, No. 99-1756, 2001 U.S. Dist. LEXIS 24208, at \*20-21 (E.D. Pa. Dec. 28, 2001) (same).

discrimination claim and her hostile work environment claim. Accordingly, Plaintiff shall have until **April 30, 2012** to file a Brief in Opposition to such judgment, demonstrating why summary judgment would not be appropriate. Defendants shall file a Response thereto no later than **May 14, 2012**.

BY THE COURT:

/s/ C. Darnell Jones, II  
C. Darnell Jones, II J.